IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 10992 of 2007(H)

SC.398/2006 of ADDL.ASST.SESSIONS COURT, ALAPPUZHA

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PETITIONER:

SATHAR @ BIJUMON, AGED 29 YEARS,
S/O.JALALUDDEEN, PEEDIKAYIL AYYATH,
CHERAVALLY MURI, KAYAMKULAM.

BY ADV. SRI.K.ABDUL JAWAD
SRI.S.SANIL

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.C.KAMMAPPU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.10992 of 2007

Dated this the 29th day of March 2007

JUDGMENT

The petitioner is the accused in a prosecution under Section 8(1) of the Abkari Act. The alleged offence is committed as early as in 2003. The sessions case has been registered in 2006. The short grievance of the petitioner is that his case has not been disposed of expeditiously. This court cannot exercise jurisdiction under Article 226 to decide the order in which cases must be taken up before courts below. It is for the petitioner, if he has satisfactory reasons, to file an appropriate application before the learned Judge for out of turn, early and expeditious disposal of the case. If the learned Judge does not consider such application properly, of course, the petitioner will be entitled to approach this court seeking appropriate directions. The petitioner has not obviously made any such application before the learned Judge. I am, in these circumstances, not persuaded to entertain this writ petition. I may, however, observe that it shall be open to the petitioner to move the learned Sessions Judge for an out of turn, early and expeditious disposal of the

case showing reasons thereof. The learned Sessions Judge must consider such application on merits and pass appropriate orders expeditiously .

This writ petition is, in these circumstances, dismissed with the above observations.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006